

## REQUIREMENTS FOR OUTDOOR DINING - TENTS AND HEATING APPLIANCES –

Due to pandemic-related restrictions on indoor dining, many eating establishments have temporary outdoor dining facilities. Since most of these outdoor dining locations are utilizing tents and/or heating of exterior patio areas, the City of Gaithersburg Fire Marshal's Office offers the following as information on the code requirements in the City for tents and heating. These requirements are based on the Maryland State Fire Prevention Code and the City of Gaithersburg Fire Safety Code, both of which adopt the 2018 editions of NFPA 1, *Fire Code*, and NFPA 101, *Life Safety Code*.

### TENTS

- All tents must be of materials that have been tested for flame resistance and comply with NFPA 701 (Test Method 2) or the California State Fire Marshal test. [NFPA 1, §25.2.2.1 & City Fire Code §11-13(89)]
- Where tents are adjacent to one another, there must be adequate space between adjacent tents to allow for emergency means of egress, or at least 10 ft. between stake lines, whichever is greater. The distance between tents and other structures is at the discretion of the City Fire Marshal and/or the City Building Code Official.  
[NFPA 1, §25.2.3]
- Portable fire extinguishers must be provided as directed by City Code Officials. [NFPA 1, §25.2.5]

### HEATING

- All heating appliances shall be approved or listed, and must be located so they cannot be easily overturned. Fuel-burning appliances are prohibited in occupancies other than one- and two-family dwellings. Additionally, the City Fire Marshal has the authority to prohibit the use of portable heaters in occupancies or situations in which such use or operation would present an undue danger to life or the property of others.  
[NFPA 1, §11.5.1.7 & City Fire Code §11-13(48)]
- Portable electric heaters shall be designed and located so that they cannot be easily overturned, shall be listed by a nationally-recognized listing laboratory and used only in accordance with manufacturer's specifications.  
[NFPA 1, §11.5.3]
- Fuel-fired heaters for tents must be labeled by a nationally-recognized manufacturing laboratory, the installation must be approved by the City of Gaithersburg, and the heaters must be located and operated in accordance with manufacturer's specifications.  
[NFPA 101, §11.6.1]
- Containers for liquefied petroleum gases shall be installed in accordance with the provisions of NFPA 58, *Liquefied Petroleum Gas Code* (2017 edition). Containers shall be kept outside of buildings. Additionally, containers must at least 5 feet away from any tent, shall be secured in the upright position and protected from vehicular traffic.  
[NFPA 101, §11.11.6.1; NFPA 1, §69.3.3.1; & NFPA 58, §6.21]
- Liquefied petroleum gas containers having a water capacity between 125 and 2,000 gallons must be at least 10 feet from any building and from lines of adjacent property that can be built upon. [NFPA 58, §6.4.1]
- Electric heaters in tents are permissible when approved by the City of Gaithersburg, but they must be labeled and connected to a source of electricity by a cable that is suitable for outdoor use and sufficient size to handle the load of the heater(s).  
[NFPA 101, §11.11.6.2]
- Patio heaters utilizing an integral LP-Gas container greater than 1.08 lb. propane capacity shall be listed and used in accordance with their listing and the manufacturer's instructions, and shall not be located within 5 ft. of exits from an assembly occupancy.  
[NFPA 58, §6.23.2]

Questions regarding the above can be directed to the City Fire Marshal's office by telephone at 301-258-6330, or by email at [FireMarshal@Gaithersburgmd.gov](mailto:FireMarshal@Gaithersburgmd.gov).